

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Maddox

February 3, 2003

An act to amend ~~Section~~ *Sections 146 and 7520.1* of the Business and Professions Code, relating to private investigators.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as amended, Maddox. Private Investigator Act.

The Private Investigator Act, among other things, imposes licensure requirements on private investigators, and makes certain acts relating to licensure an infraction punishable by a ~~\$1,000~~ fine *not to exceed \$1,000*.

This bill would increase *the amount of* that fine to \$1,500.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 146 of the Business and Professions*
2 *Code is amended to read:*

3 146. (a) Notwithstanding any other provision of law, a
4 violation of any code section listed in subdivision (c) or (d) is an
5 infraction subject to the procedures described in Sections 19.6 and
6 19.7 of the Penal Code when *either of the following apply:*

7 (1) A complaint or a written notice to appear in court pursuant
8 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part

1 2 of the Penal Code is filed in court charging the offense as an
2 infraction unless the defendant, at the time he or she is arraigned,
3 after being advised of his or her rights, elects to have the case
4 proceed as a misdemeanor, ~~or~~.

5 (2) The court, with the consent of the defendant and the
6 prosecution, determines that the offense is an infraction in which
7 event the case shall proceed as if the defendant has been arraigned
8 on an infraction complaint.

9 (b) Subdivision (a) does not apply to a violation of the code
10 sections listed in subdivisions (c) and (d) if the defendant has had
11 his or her license, registration, or certificate previously revoked or
12 suspended.

13 (c) The following sections require registration, licensure,
14 certification, or other authorization in order to engage in certain
15 businesses or professions regulated by this code:

16 (1) Sections 2052 and 2054.

17 (2) Section 2630.

18 (3) Section 2903.

19 (4) Sections 3760 and 3761.

20 (5) Section 4080.

21 (6) Section 4825.

22 (7) Section 4935.

23 (8) Section 4980.

24 (9) Section 4996.

25 (10) Section 5536.

26 (11) Section 6704.

27 (12) Section 6980.10.

28 (13) Section 7317.

29 (14) Section 7502 or 7592.

30 (15) ~~Section 7520.~~

31 ~~(16) Section 7617 or 7641.~~

32 ~~(17)~~

33 (16) Subdivision (a) of Section 7872.

34 ~~(18)~~

35 (17) Section 8016.

36 ~~(19)~~

37 (18) Section 8505.

38 ~~(20)~~

39 (19) Section 8725.

40 ~~(21)~~

1 (20) Section 9681.

2 ~~(22)~~

3 (21) Section 9840.

4 ~~(23)~~

5 (22) Subdivision (c) of Section 9891.24.

6 ~~(24)~~

7 (23) Section 19049.

8 (d) Institutions that are required to register with the Bureau for
9 Private Postsecondary and Vocational Education pursuant to
10 Section 94931 of the Education Code.

11 (e) Notwithstanding any other provision of law, a violation of
12 any of the sections listed in subdivision (c) or (d), which is an
13 infraction, is punishable by a fine of not less than two hundred fifty
14 dollars (\$250) and not more than one thousand dollars (\$1,000).
15 No portion of the minimum fine may be suspended by the court
16 unless as a condition of that suspension the defendant is required
17 to submit proof of a current valid license, registration, or
18 certificate for the profession or vocation which was the basis for
19 his or her conviction.

20 SEC. 2. Section 7520.1 of the Business and Professions Code
21 is amended to read:

22 7520.1. (a) Notwithstanding any other provision of law, any
23 person engaging in a business as a private investigator who
24 violates Section 7520 is guilty of an infraction subject to the
25 procedures described in Sections 19.6 and 19.7 of the Penal Code
26 under either of the following circumstances:

27 (1) A complaint or a written notice to appear in court pursuant
28 to Chapter 5c (commencing with Section 853.5) of Title 3 of Part
29 2 of the Penal Code is filed in court charging the offense as an
30 infraction unless the defendant, at the time he or she is arraigned,
31 after being advised of his or her rights, elects to have the case
32 proceed as a misdemeanor.

33 (2) The court, with the consent of the defendant and the
34 prosecution, determines that the offense is an infraction in which
35 event the case shall proceed as if the defendant has been arraigned
36 on an infraction complaint.

37 (b) This section does not apply to a violation of Section 7520
38 if the defendant has had his or her license previously revoked or
39 suspended.

1 (c) Notwithstanding any other provision of law, a violation of
2 Section 7520, which is an infraction, is punishable by a fine of one
3 thousand five hundred dollars (\$1,500). No portion of the fine may
4 be suspended by the court unless as a condition of that suspension
5 the defendant is required to submit proof of a current valid license
6 for the profession of private investigator which was the basis for
7 his or her conviction.

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